

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DOROTHY MAE ROBINSON,	:	CIVIL NO. 4:09-CV-0157
J.S.R. AND D.R.,	:	
Plaintiffs	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Smyser)
UNITED STATES OF AMERICA,	:	
JOHN MCCANN, USA,	:	
TIMOTHY CROWLEY, DEA	:	
Defendants	:	

REPORT AND RECOMMENDATION

By an Order dated December 10, 2010, Judge Conner dismissed all the claims in the complaint. However, Judge Conner granted plaintiffs J.S.R. and D.R. leave to file an amended complaint within twenty days. Judge Conner warned that failure to file an amended complaint would be construed as abandonment of the claims and that the case will be dismissed in its entirety.

The plaintiffs have not filed an amended complaint.

On January 14, 2011, the defendants filed a motion to dismiss the case pursuant to Fed.R.Civ.P. 41(b) and a brief in support of that motion. The defendants contend that the case should be dismissed because the plaintiffs have not filed an amended complaint. The plaintiffs have not filed a brief in opposition to the defendants' motion to dismiss.

Because the plaintiffs have not filed an amended complaint, in accordance with Judge Conner's Order of December 10, 2010, it is recommended that the defendants' motion (doc. 60) to dismiss be granted and that the case be dismissed in its entirety.

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: February 4, 2011.